

**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GERALD LEGAGNOUX, PH.D.  
344 Euclid Street  
Santa Monica, CA 90402

Psychologist License No. PSY 11483  
Licensed Educational Psychologist License No.  
LEP 1834

Respondent.

Case No. W222

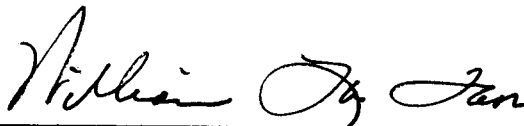
OAH No. L-2002010610

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 12, 2004.

It is so ORDERED January 13, 2004.



\_\_\_\_\_  
FOR THE BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
WILLIAM LEW TAN, PRESIDENT

BILL LOCKYER, Attorney General  
of the State of California  
E. A. JONES III, State Bar No. 71375  
Deputy Attorney General  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-2543  
Facsimile: (213) 897-1071

Attorneys for Complainant

**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Second Amended Accusation  
Against:

GERALD LEGAGNOUX, PH.D.  
344 Euclid Street  
Santa Monica, CA 90402

Psychologist License No. PSY 11483  
Licensed Educational Psychologist License No.  
LEP 1834

Respondent.

Case No. W222

OA# No. L-2002010610

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Board of Psychology of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Second Amended Accusation

**PARTIES**

1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board of Psychology. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by E. A. Jones III, Deputy Attorney General.

2. Respondent Gerald LeGagnoux, Ph.D. (Respondent) is represented in this

proceeding by attorney Daniel H. Willick, of the law firm of Nossaman, Guthner, Knox & Elliott, LLP, 445 S. Figueroa St., 31st Floor, Los Angeles, CA 90071-1602.

3. On or about March 1, 1990, the Board of Psychology issued Psychologist License Number PSY 11483 to respondent. The Psychologist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 3, 2005, unless renewed.

4. On or about May 12, 1989, the Board of Psychology issued Licensed Educational Psychologist License No. LEP 1834 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Second Amended Accusation No. W222 and will expire on June 30, 2004, unless renewed.

#### JURISDICTION

5. Second Amended Accusation No. W222 was filed before the Board of Psychology (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 23, 2003. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Second Amended Accusation No. W222 is attached as exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Second Amended Accusation No. W222. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Second Amended Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Second Amended Accusation No. W222, if proven at a hearing, constitute unprofessional conduct and cause for imposing discipline upon his Psychologist License as well as for his Licensed Educational Psychologist License. For the purpose of resolving the Second Amended Accusation without the expense and uncertainty of further proceedings, Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Psychologist License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

#### CIRCUMSTANCES IN MITIGATION

11. Respondent Gerald LeGagnoux, Ph.D. has never been the subject of any disciplinary action.

#### RESERVATION

12. This stipulated settlement and disciplinary order and any and all admissions, findings and/or contents herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Psychology or other professional licensing agency is a party, and shall not be admissible in any other criminal or civil proceeding.

#### CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Psychology. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Psychology may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of

1 no force or effect, except for this paragraph, it shall be inadmissible in any legal action, and the  
2 Board shall not be disqualified from further action by having considered this matter.

3 14. The parties understand and agree that facsimile copies of this Stipulated  
4 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force  
5 and effect as the originals.

6 15. In consideration of the foregoing admissions and stipulations, the parties agree  
7 that the Board may, without further notice or formal proceeding, issue and enter the following  
8 Disciplinary Order:

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Psychologist License No. PSY 11483 issued , and  
11 Licensed Educational Psychologist License No. LEP 1834 to Respondent Gerald LeGagnoux, Ph.D.  
12 are revoked. However, the revocations are stayed and Respondent is placed on probation for two  
13 (2) years on the following terms and conditions.

14 1. **NOTIFICATION TO EMPLOYER** Respondent shall provide each of his or  
15 her employers, if any, during the period of probation, where respondent is providing psychological  
16 services, a copy of this Decision and the Accusation or Statement of Issues before commencing  
17 employment. Notification to the respondent's current employer, if any, shall occur no later than the  
18 effective date of the Decision. Respondent shall submit, upon request by the Board or its designee,  
19 satisfactory evidence of compliance with this term of probation.

20 2. **EDUCATIONAL REVIEW** Respondent shall submit to an educational  
21 review concerning the circumstances that resulted in this administrative action. The educational  
22 review shall be conducted by a board-appointed expert familiar with the case. Educational reviews  
23 are informational only and intended to benefit Respondent's practice by preventing future such  
24 complaints. Respondent shall pay all costs associated with this educational review.

25 3. **COURSEWORK** Respondent shall take and successfully complete  
26 coursework, in the area(s) of multiple role relationships, boundaries, and laws and ethics, of not less  
27 than twelve (12) hours total in each year of probation. Coursework must be pre-approved by the  
28 Board or its designee. All coursework shall be taken at the graduate level at an accredited

1 educational institution or by an approved continuing education provider. Classroom attendance is  
2 specifically required; correspondence or home study coursework shall not count toward meeting this  
3 requirement. The coursework must be in addition to any continuing education courses that may be  
4 required for license renewal.

5           Within 90 days of the effective date of this Decision, respondent shall submit to the  
6 Board or its designee for its prior approval a plan for meeting the educational requirements. All  
7 costs of the coursework shall be paid by the respondent.

8           4.     ETHICS COURSE   Within 90 days of the effective date of this Decision,  
9 respondent shall submit to the Board or its designee for prior approval a course in laws and ethics  
10 as they relate to the practice of psychology. Said course must be successfully completed at the  
11 graduate level of an accredited educational institution or through a provider approved by the Board's  
12 accreditation agency for continuing education credit. Said course must be taken and completed  
13 within one year from the effective date of this Decision. The cost associated with the law and ethics  
14 course shall be paid by the respondent. Classroom attendance is specifically required;  
15 correspondence or home study coursework shall not count toward meeting this requirement. The  
16 coursework must be in addition to any continuing education courses that may be required for license  
17 renewal.

18           5.     INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent shall  
19 pay the Board its costs of investigation and enforcement in the amount of \$5000.00 within the first  
20 year of probation. Such costs shall be payable to the Board of Psychology and are to be paid  
21 regardless of whether the probation is tolled. Failure to pay such costs shall be considered a  
22 violation of probation.

23           The filing of bankruptcy by respondent shall not relieve respondent of the  
24 responsibility to repay investigation and enforcement costs.

25           6.     PROBATION COSTS   Respondent shall pay the costs associated with  
26 probation monitoring each and every year of probation. Such costs shall be payable to the Board of  
27 Psychology at the end of each fiscal year (June 30). Failure to pay such costs shall be considered a  
28 violation of probation.

1           The filing of bankruptcy by respondent shall not relieve respondent of the  
2 responsibility to repay probation monitoring costs.

3           7.     OBEY ALL LAWS Respondent shall obey all federal, state, and local laws  
4 and all regulations governing the practice of psychology in California including the ethical guidelines  
5 of the American Psychological Association. A full and detailed account of any and all violations of  
6 law shall be reported by the respondent to the Board or its designee in writing within seventy-two  
7 (72) hours of occurrence.

8           8.     QUARTERLY REPORTS Respondent shall submit quarterly declarations  
9 under penalty of perjury on forms provided by the Board or its designee, stating whether there has  
10 been compliance with all the conditions of probation. Quarterly reports attesting to non-practice  
11 status are to be submitted if probation is tolled.

12           9.     PROBATION COMPLIANCE Respondent shall comply with the Board's  
13 probation program and shall, upon reasonable notice, report to the Board of Psychology probation  
14 monitor. Respondent shall contact the assigned probation monitor regarding any questions specific  
15 to the probation order. Respondent shall not have any unsolicited or unapproved contact with 1)  
16 complainants associated with the case; 2) Board members or members of its staff; or 3) persons  
17 serving the Board as expert evaluators.

18           10.    INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall appear  
19 in person for interviews with the Board or its designee upon request at various intervals and with  
20 reasonable notice.

21           11.    CHANGES OF EMPLOYMENT Respondent shall notify the Board in  
22 writing, through the assigned probation monitor, of any and all changes of employment, location,  
23 and address within 30 days of such change.

24           12.    TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE  
25 NON-PRACTICE In the event respondent should leave California to reside or to practice outside  
26 the State, or for any reason should respondent stop practicing psychology in California, respondent  
27 shall notify the Board or its designee in writing within ten days of the dates of departure and return  
28 or the dates of non-practice within California. Non-practice is defined as any period of time

1 exceeding thirty days in which respondent is not engaging in any activities defined in Sections 2902  
2 and 2903 of the Business and Professions Code. During periods of non-practice, the probationary  
3 period is tolled and respondent's license or registration shall be placed on inactive status. The  
4 probationary period will not commence again until respondent activates his or her license and  
5 resumes practicing psychology in the state of California. However, the Board may require  
6 respondent to complete certain terms of probation that are not associated with active practice and  
7 respondent will be required to pay cost recovery and restitution as ordered.

8           13.    EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is  
9 licensed as a psychologist, he/she shall not employ or supervise or apply to employ or supervise  
10 psychological assistants, interns or trainees during the course of this probation. Any such  
11 supervisory relationship in existence on the effective date of this probation shall be terminated by  
12 respondent and/or the Board.

13           14.    FUTURE REGISTRATION OR LICENSURE If respondent is registered  
14 as a psychological assistant or registered psychologist and subsequently obtains other psychological  
15 assistant or registered psychologist registrations or becomes licensed as a psychologist during the  
16 course of this probationary order, this Decision shall remain in full force and effect until the  
17 probationary period is successfully terminated. Future registrations or licensure shall not be  
18 approved, however, until respondent is currently in compliance with all of the terms and conditions  
19 of probation.

20           15.    VIOLATION OF PROBATION If respondent violates probation in any  
21 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke  
22 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke  
23 Probation is filed against respondent during probation, the Board shall have continuing jurisdiction  
24 until the matter is final, and the period of probation shall be extended until the matter is final. No  
25 Petition for Modification or Termination of Probation shall be considered while there is an  
26 Accusation or Petition to Revoke Probation pending against respondent.

27           16.    COMPLETION OF PROBATION Upon successful completion of probation,  
28 respondent's license shall be fully restored.





**Exhibit A**

**Second Amended Accusation No. W222**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 E. A. JONES, III, State Bar No. 71375  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2543  
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF PSYCHOLOGY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. W222

12 GERALD LeGAGNOUX, Ph.D.  
344 Euclid Street  
13 Santa Monica, CA 90402

**SECOND AMENDED  
ACCUSATION**

14 Psychologist License No. PSY 11483

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Thomas S. O'Connor ("Complainant") brings this Second Amended  
20 Accusation solely in his official capacity as the Executive Officer of the Board of Psychology.

21 2. On or about March 1, 1990, the Board of Psychology issued Psychologist  
22 License Number PSY 11483 to Gerald LeGagnoux, Ph.D. ("Respondent"). The Psychologist  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on July 3, 2005, unless renewed.

25 JURISDICTION

26 3. This Second Amended Accusation is brought before the Board of  
27 Psychology, Department of Consumer Affairs, State of California ("Board"), under the authority  
28

1 of the following sections of the Business and Professions Code ("Code").

2 4. Section 2960 of the Code states:

3 The board may refuse to issue any registration or license, or may issue a  
4 registration or license with terms and conditions, or may suspend or revoke the  
5 registration or license of any registrant or licensee if the applicant, registrant, or licensee  
6 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not  
7 be limited to:

8 (a) Conviction of a crime substantially related to the qualifications, functions or  
9 duties of a psychologist or psychological assistant.

10 (b) Use of any controlled substance as defined in Division 10 (commencing with  
11 Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic  
12 beverage to an extent or in a manner dangerous to himself or herself, any other person, or  
13 the public, or to an extent that this use impairs his or her ability to perform the work of a  
14 psychologist with safety to the public.

15 (c) Fraudulently or neglectfully misrepresenting the type or status of license or  
16 registration actually held.

17 (d) Impersonating another person holding a psychology license or allowing  
18 another person to use his or her license or registration.

19 (e) Using fraud or deception in applying for a license or registration or in passing  
20 the examination provided for in this chapter.

21 (f) Paying, or offering to pay, accepting, or soliciting any consideration,  
22 compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

23 (g) Violating Section 17500.

24 (h) Willful, unauthorized communication of information received in professional  
25 confidence.

26 (i) Violating any rule of professional conduct promulgated by the board and set  
27 forth in regulations duly adopted under this chapter.

28 (j) Being grossly negligent in the practice of his or her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

(m) The suspension, revocation or imposition of probationary conditions by another state or country of a license or certificate to practice psychology or as a psychological assistant issued by that state or country to a person also holding a license or registration issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section.

(n) The commission of any dishonest, corrupt, or fraudulent act.

(o) Commencing January 1, 1999, until January 1, 2001, any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist or psychological assistant or registered psychologist.

On and after January 1, 2001, any act of sexual abuse, or sexual relations with a patient, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist, psychological assistant, or registered psychologist.

(p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training, and experience.

(q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.

(r) Repeated acts of negligence.

The board shall study and report to the Legislature on or before July 1, 2000, concerning the efficacy of the prohibition contained in subdivision (o).

5. Section 2964.6 of the Code states:

An administrative disciplinary decision that imposes terms of probation may include, among other things, a requirement that the licensee who is being placed on probation pay the monetary costs associated with monitoring the probation.

6. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge where the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) Where an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licentiate to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licentiate who has failed to pay all of the costs ordered under this

1 section.

2 (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally  
3 renew or reinstate for a maximum of one year the license of any licentiate who  
4 demonstrates financial hardship and who enters into a formal agreement with the board to  
5 reimburse the board within that one-year period for the unpaid costs.

6 (h) All costs recovered under this section shall be considered a reimbursement for  
7 costs incurred and shall be deposited in the fund of the board recovering the costs to be  
8 available upon appropriation by the Legislature.

9 (i) Nothing in this section shall preclude a board from including the recovery of  
10 the costs of investigation and enforcement of a case in any stipulated settlement.

11 (j) This section does not apply to any board if a specific statutory provision in that  
12 board's licensing act provides for recovery of costs in an administrative disciplinary  
13 proceeding

14 CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct)

16 7. Respondent is subject to disciplinary action under section 2960 of the  
17 Code in that respondent engaged in unprofessional conduct in connection with the treatment of a  
18 client. The factual predicate is as follows:

19 A. On or about February 28, 1998, N.S., a three year old boy who was  
20 diagnosed with aphasia, attention deficit disorder and possible autism, presented to  
21 respondent for therapy pursuant to a referral. M.S., the father of N.S., indicated to  
22 respondent that he was concerned because his son was displaying signs of aggression and  
23 appeared to be frustrated with his inability to communicate. Respondent indicated he  
24 would treat N.S. and that the treatment would include a cognitive evaluation and  
25 observations of N.S. in his home and school environments.

26 B. Between on or about February 28, 1998, and June 2, 1999, respondent  
27 treated N.S. on many occasions. The treatments occurred at the family home and  
28 included many recommendations regarding diet and exercise.

1 C. In or around June 1998, M.S. began discussing with respondent his  
2 (M.S.'s) business of media relations and respondent's difficulties with media. M.S.  
3 proposed to provide respondent with positive media exposure. Thereafter, M.S. provided  
4 respondent leads from magazines that needed psychological opinions. Thereafter,  
5 respondent was interviewed as an expert in various media. M.S. also created a spot on  
6 his web site (celebritydoctor.com) for respondent.

7 D. In or around April 1999, M.S. sought respondent's agreement that M.S.  
8 would develop a web site for respondent addressing the bully syndrome in high schools.

9 E. On or about May 10, 1999, M.S. sought respondent's agreement to pay for  
10 a videotaped interview conducted by M.S. Respondent agreed to pay \$2,000.00 for the  
11 videotaping costs and wrote a check for that amount to M.S.'s company.

12 F. On or about June 23, 1998, respondent sent an e-mail to M.S. requesting  
13 the \$2,000.00 be refunded. Respondent indicated that he did not want to agree to share  
14 his non-practice income with M.S. and his partner for the next five years as part of a  
15 proposed web site project.

16 G. In or around the end of June 1999, M.S. terminated respondent's therapy  
17 with his son, N.S., because he felt a business relationship was interfering with his son's  
18 therapy

19 H. On or about July 4, 1999, respondent sent M.S. an e-mail noting that M.S.  
20 had decided to take a break from respondent's services for N.S. and providing  
21 recommendations regarding further treatment for N.S.

22 Allegation of Unprofessional Conduct:

23 8. Between on or about June 1998 and June 1999, respondent engaged in  
24 unprofessional conduct when he engaged in the relationship with M.S., as set forth in paragraph  
25 7.A. through 7.H. above, at the same time he was providing psychological treatment to N.S., the  
26 son of M.S.

27 ///

28 ///



1 PRAYER

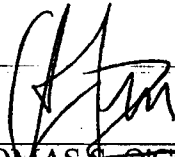
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Psychologist License Number PSY 11483, issued  
5 to Gerald LeGagnoux, Ph.D.;

6 2. Ordering Gerald LeGagnoux, Ph.D. to pay the Board the reasonable costs  
7 of the investigation and enforcement of this case, and, if placed on probation, the costs of  
8 probation monitoring;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: October 23, 2003

11  
12  
13  
14 for   
15 THOMAS S. O'CONNOR  
16 Executive Officer  
17 Board of Psychology  
18 State of California  
19 Complainant  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation filed  
Against:

Gerald L. LeGagnoux, Ph.D.

No.: W222

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Gerald L. Legagnoux, Ph.D.  
344 Euclid Street  
Santa Monica, CA 90402


7002 0860 0004 1219 6491

Daniel H. Willick  
Nossaman, Guthner, Knox & Elliott, LLP  
445 S. Figueroa St., 31<sup>st</sup> Floor  
Los Angeles, CA 90071-1602

E. A. Jones, III  
Deputy Attorney General  
Office of the Attorney General  
300 S. Spring Street, Ste. 1702  
Los Angeles, CA 90013

Each said envelope was then on January 13, 2004, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, January 13, 2004, at Sacramento, California.  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT  
Kathi Burns  
Enforcement Coordinator